

-PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 08 May 2000 (08.05.00)	
International application No. PCT/US99/23146	Applicant's or agent's file reference 7292/JB
International filing date (day/month/year) 06 October 1999 (06.10.99)	Priority date (day/month/year) 13 October 1998 (13.10.98)
Applicant PANANDIKER, Rajan, Keshav et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

06 April 2000 (06.04.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Olivia RANAIVOJAONA Telephone No.: (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 7292/JB	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 99/ 23146	International filing date (day/month/year) 06/10/1999	(Earliest) Priority Date (day/month/year) 13/10/1998
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

National Application No

PCT/US 99/23146

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C11D3/37 C11D3/22 C11D3/39 C11D3/386

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	DE 196 43 281 A (BASF AG) 23 April 1998 (1998-04-23) claim 9; example VI; table 3 -----	1-10
P,A	WO 99 14295 A (GOSSELINK EUGENE PAUL ;LEUPIN JENNIFER ANN (US); PROCTER & GAMBLE) 25 March 1999 (1999-03-25) claims 1-10; examples -----	1-10
P,A	WO 99 14301 A (BOECKH DIETER ;KAPPES ELISABETH (DE); GOSSELINK EUGENE PAUL (US);) 25 March 1999 (1999-03-25) claims 1-6; example 1 -----	1-10

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

8 March 2000

Date of mailing of the international search report

21/03/2000

Name and mailing address of the ISA

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Loiselet-Taisne, S

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 99/23146

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 19643281	A	23-04-1998	WO 9817762 A	30-04-1998
			EP 0934382 A	11-08-1999
WO 9914295	A	25-03-1999	AU 9389598 A	05-04-1999
			AU 9389698 A	05-04-1999
			AU 9389798 A	05-04-1999
			AU 9389898 A	05-04-1999
			WO 9914299 A	25-03-1999
			WO 9914300 A	25-03-1999
			WO 9914301 A	25-03-1999
WO 9914301	A	25-03-1999	AU 9389598 A	05-04-1999
			AU 9389698 A	05-04-1999
			AU 9389798 A	05-04-1999
			AU 9389898 A	05-04-1999
			WO 9914299 A	25-03-1999
			WO 9914295 A	25-03-1999
			WO 9914300 A	25-03-1999



REC'D 13 OCT 2000

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 7292/JB		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/23146	International filing date (day/month/year) 06/10/1999	Priority date (day/month/year) 13/10/1998	
International Patent Classification (IPC) or national classification and IPC C11D3/37			
Applicant THE PROCTER & GAMBLE COMPANY et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none">I <input checked="" type="checkbox"/> Basis of the reportII <input type="checkbox"/> PriorityIII <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicabilityIV <input type="checkbox"/> Lack of unity of inventionV <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statementVI <input type="checkbox"/> Certain documents citedVII <input type="checkbox"/> Certain defects in the international applicationVIII <input checked="" type="checkbox"/> Certain observations on the international application			
Date of submission of the demand 06/04/2000		Date of completion of this report 11.10.2000	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer Hillebrecht, D Telephone No. +49 89 2399 8168 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US99/23146

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-36 as originally filed

Claims, No.:

1-10 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-10
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US99/23146

2. Citations and explanations

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

s e separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/23146

Reference is made to the following documents:

D1: DE 196 43 281 A (BASF AG) 23 April 1998

- V. The present application appears to comply with the requirements of Article 33(1) to (3) PCT, since none of the prior art documents neither discloses nor suggests a detergent composition comprising a hydrophobically modified cellulose and a cyclic amine based (co)polymer or oligomer.

D1, which is the only document cited in the International Search Report, which belongs to the prior art, discloses compositions comprising polycationic condensation products, i.a. cyclic amine based polymers as color fixating additive in detergent compositions. However, D1 neither teaches that said condensation products can reduce the formation of "pills" nor suggests to utilize compositions comprising both, the cyclic amine based polymer and the hydrophobically modified cellulose.

- VIII. The claims lack clarity in contrast to Article 6 PCT for the reasons set forth herein below:

1. Claim 1 requires a hydrophobically modified cellulosic based polymer. Preferred polymers are defined in claim 2. However, according to claim 2, all "R" substituents may be hydrogen. Consequently, such polymers cannot be regarded as hydrophobically modified.
2. R_H in claim 2 is a monovalent substituent. In contrast, the respective listing of "substituents" comprises compounds having no free valence, like $(R_4)_3N$ -alkyl, $(R_4)_2N$ -alkyl, and $(R_4)_3N$ -2-hydroxyalkyl. Moreover, a positive charge is lacking at the ammonium compounds.

These first objections apply also to the respective parts of the specification.

3. The term "about" used in claim 3 is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear (Article 6 PCT).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/23146

4. Claim 4 refers to claims 1 to 3 and defines specific embodiments of the cyclic amine based polymer. However, the respective features are defined for the first time in claim 3. Thus, the reference to claims 1 and 2 causes lack of clarity.

This objection applies also to claims 5 to 7.

Moreover, claims 9 and 10 include a reference to claim 8, although claim 8 defines a laundry additive rather than a detergent composition.

5. Claim 8 is not supported by the description as required by Article 6 PCT. The reason therefore is that an additive comprising 1 to 80% of water and 0.01 to 5% of a mixture of amine polymer and modified cellulose is not mentioned in the specification, cf. also page 8, bottom.
6. The vague term "about" when used in combination with ranges, as used throughout the entire specification renders the scope of the claims unclear when used to interpret the claims.
7. According to page 2, lines 2 and 3, the composition comprises hydrophobically modified CMC, while the claims require hydrophobically modified cellulose. This discrepancy between claims and description was not remedied.
8. It is clear from the description on page 6, lines 19 to 22 and page 23, lines 1 to 3, respectively, that the following features are essential to the definition of the invention:
- (1) the ratio of the hydrophobically modified cellulose to cyclic amine based polymer is within the range of 1000:1 to 1:1000
 - (2) the compositions comprise at least 1% of one or more fabric softener actives

Since independent claims 1 and 8 do not contain these features they do not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.